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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,731	11/29/2001	Pedro J. Moreno	200302017-1	4088

7590 10/28/2005

IP ADMINISTRATION
LEGAL DEPARTMENT
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EXAMINER

DO, CHAT C

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,731

Applicant(s)

MORENO, PEDRO J.

Examiner

Chat C. Do

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-8, 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment filed 08/24/2005.
2. Claims 1-8, 10-19, and 21-31 are pending in this application. Claims 1, 21-22, and 29-31 are independent claims. In Amendment, claims 9 and 20 are cancelled. This Office Action is made non-final after a RCE filed 08/24/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 22-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (“A method for direct audio search with applications to indexing and retrieval”).

Re claim 1, Johnson et al. disclose a method of matching (e.g. abstract) sequences of signals from an information stream (e.g. audio stream in abstract) comprising: extracting (e.g. right column page 1427 lines 1-3 from 2.1 Background section) a stream of samples from a subject information stream, each of the extracted samples (e.g. right column page 1427 lines 1-3 from 2.1 Background section which contain audio samples) comprising a portion of the information stream, computing, for each of the samples, a vector quantity indicative of the data in the sample (e.g. right column page 1427 lines 4-8

from 2.1 Background section); correlating (e.g. right column page 1427 line 13 from 2.1 Background section) the vectors to generate a signature indicative of the stream of samples; comparing (e.g. left column page 1427 third paragraph from Introduction section as to compare the result with the cue-audio) the generated signatures to signatures generated from a match stream of samples; and generating, as a result of the comparing, a distance matrix indicative of signatures generated from similar samples (e.g. left column page 1428 second paragraph); traversing the distance matrix to determine if a similar distance value sequence is found (left column page 1427 third paragraph under Introduction section); querying, when a similar distance value sequence is found in the distance matrix, a library of previously found distance value sequences; storing the distance value sequence in the library if a match is not found as a result of the querying (right column page 1427 second paragraph lines 10-17); and updating, if a match is found as a result of the querying, a timestamp corresponding to the matching distance value sequence in the library (right column page 1427 second paragraph); examining each of the timestamps of the distance values sequences; and purging, when the timestamp is beyond a predetermined threshold, the distance value sequence corresponding to the timestamp (e.g. introduction section and inherently for limiting storage).

Re claim 2, Johnson et al. further disclose a correlating includes generating the signature distinctively from signatures generated for other streams of samples (e.g. abstract wherein each segment has unique signature).

Re claim 3, Johnson et al. further disclose the correlating generates a covariance matrix as a signature indicative of the stream of samples (e.g. left column page 1428 in Search Method section).

Re claim 4, Johnson et al. further disclose arranging the samples into a plurality of segments (e.g. left column page 1428 second paragraph).

Re claim 5, Johnson et al. further disclose each of the extracted samples comprises a predetermined internal of the subject information stream (e.g. right column page 1427 first paragraph in Background section).

Re claim 6, Johnson et al. further disclose the match stream is the extracted stream of samples itself (e.g. left column page 1428 fourth paragraph in Search Method section).

Re claim 7, Johnson et al. further disclose the match stream is indicative of a predetermined sequence of samples stored from previously transmitted samples (e.g. left column in page 1428 second paragraph).

Re claim 8, Johnson et al. further disclose signatures corresponding to the predetermined sequence are stored in a library (e.g. abstract inherently).

Re claim 22, it is a system claim of claim 1. Thus, claim 22 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

Re claim 23, it is a system claim of claim 2. Thus, claim 23 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

Re claim 24, it is a system claim of claim 3. Thus, claim 24 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

Re claim 25, it is a system claim of claim 5. Thus, claim 25 is also rejected under the same rationale as cited in the rejection of rejected claim 5.

Re claim 26, it is a system claim of claim 6. Thus, claim 26 is also rejected under the same rationale as cited in the rejection of rejected claim 6.

Re claim 27, it is a system claim of claim 7. Thus, claim 27 is also rejected under the same rationale as cited in the rejection of rejected claim 7.

Re claim 28, it is a system claim of claim 8. Thus, claim 28 is also rejected under the same rationale as cited in the rejection of rejected claim 8.

Re claim 29, it is a computer product claim of claim 1. Thus, claim 29 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

Re claim 30, it is a computer data signal including program code claim of claim 1. Thus, claim 30 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

Re claim 31, it is a system claim of claim 1. Thus, claim 31 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

Allowable Subject Matter

5. Claims 10-19 and 21 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 1-8 and 22-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chat C. Do whose telephone number is (571) 272-3721. The examiner can normally be reached on M => F from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaki Kakali can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chat C. Do
Examiner
Art Unit 2193

October 26, 2005

